

COMPLAINT UNDER 42 USC § 1983, CIVIL RIGHTS ACT-TDCJ-ID (REV. 7/97)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

MAY 31 2016

Aaron Bowdon # 02594219

Plaintiff's name and ID Number

Harris County Jail

1200 Baker Street, Houston, TX 77002

Place of Confinement

David J. Bradley, Clerk of Court

CASE NO. _____

(Clerk will assign the number)

Ron Hickman and
v. Unknown Harris
County Prosecutor

1200 Baker Street, Houston, TX 77002

Defendant's name and address
Detactive Sgr. Mike Flynt 310 Bender Avenue
and other unknown
Humble Police Officers Humble, TX 77338

Defendant's name and address

Alec Hoiglmen, address unknown

Defendant's name and address

(DO NOT USE "ET AL")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the applications to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as assembled by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41, (b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: N/A

2. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendants(s) N/A

3. Court: (If federal, name the district; if state, name the county.) N/A

4. Docket Number: N/A

5. Name of judge to whom case was assigned: N/A

6. Disposition: (Was the case dismissed, appealed, still pending?)
N/A

7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Harris County Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Aaron BowdenHarris County Jail 1200 Baker Street
Houston, TX 77002B. Full name of each defendant, his official position, his place of employment, and his full mailing address.Defendant #1: Alec Holmlmen, a private citizen in his individual capacity,
and his place of employment as well as his full mailing address is unknown

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

he conspired with detectives in a scheme to prosecute plaintiff and was proximate
cause of plaintiff's bodily injuries by use of deadly force.Defendant #2: Detective Sgt. Mike Flint and other unknown Humble Police
Humble Police Department
officers employed by the 310 Bender Avenue, Humble, TX 77338

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Acting in both their individual and official capacity under the color of Texas law,
carried out City policy or custom to take on duties and responsibilities outside its functionsDefendant #3: Ron Hickman, individually and in his official capacity as
(1200 Baker Street, Houston, TX 77002)
Sheriff of Harris County under the color of Texas law

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Knew or should have known his policies regarding bail hearings violate due process rights.Defendant #4: Unknown Harris County prosecutor in their individual and official
(1200 Baker Street, Houston, TX 77002)
capacity as prosecuting attorney under the color of Texas law

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Above) discretion by not charging the shooting suspect for deadly conduct and failure
to render aid.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen and who was involved. Describe how each defendant is involved. You need not give any legal or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On January 13, 2016, plaintiff, a black male unarmed at the time he ran in fear for his life from Alec Hoialmen, a white male who had already shot the plaintiff in his neck and then continued to pursue him until he shot plaintiff in his right leg causing him to collapse. As plaintiff pled for his life with both hands held up Alec stood over him and fired several more times striking plaintiff in four parts of his body. Alec then jumped back in the front passenger side of the vehicle with a white female suspect who was accidentally struck in her neck as well while Alec fired from close range when plaintiff was sitting next to her in the back seat of the vehicle which was later recovered with a large amount of shell casings. Plaintiff was transported from the 400 block of Bender Avenue to a local hospital by ambulance while the wounded white female found in the vehicle near the 1100 block of First Street was transported by Life Flight helicopter. Both white male suspects were arrested the following day with felony charges alleging the use of a firearm.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Provide me with a jury trial and instruction on compensatory damages

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you gave ever used or been known by including any and all aliases:

Aaron Bowden

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

1931370 (State Jail)

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES NO N/A

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO N/A

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case Number: N/A
3. Approximate date warnings were imposed: N/A

Executed on: 5/27/2016
DATE

Aaron Bowden # 02594219

Aaron Bowden

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 27th day of May, 19 2016.
(Day) (month) (year)

Aaron Bowden # 02594219

Aaron Bowden

(Signature of plaintiff)

WARNING: The plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

